

REMARKS

This Response is submitted in reply to the Final Office Action dated June 3, 2009 in conjunction with the enclosed Request for Continued Examination. Claims 22 to 36 are pending in the present application. Claims 22 to 36 are hereby amended. Claims 22, 26 and 30 are in independent form. A Supplemental Information Disclosure Statement is submitted with this Response. Please charge Deposit Account No. 02-1818 for all payments due in connection with this Response.

As noted above, Applicant has filed a Request for Continued Examination with this Response. Accordingly, Applicant requests that the Examiner provide an upcoming Office Action which will “. . . identify any claims which he or she judges, as presently recited, to be allowable and/or . . . suggest any way in which he or she considers that rejected claims may be amended to make them allowable” in accordance with §707.07(d) of the MPEP.

The Office Action rejected Claims 22 to 30 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2002/0033848 to Sciammarella et al. (“Sciammarella I”) in view of U.S. Patent Publication No. 2002/0054157 to Hayashi et al. (“Hayashi”). In view of the amendments made herein, Applicant respectfully disagrees with such rejections.

Sciammarella I discloses a system for managing data objects. The Abstract of Sciammarella I discloses:

A device for managing image and audio files displays thumbnails, which are representative of the files, on a screen in different arrangements, depending on the selected layout and order. When the user enters input to indicates that he or she wishes to browse through the thumbnails, the thumbnails move across the screen in sequence, following a path through a focus outline in the center of the screen. The path followed by the thumbnails depends on the selected layout.

Hayashi discloses an apparatus for processing information. The Abstract of Hayashi discloses:

An apparatus and a method for processing information, and a program and a program storage medium are disclosed. A content processing routine 152-1 controls the display of a thumbnail and determines whether or not a predetermined time has passed with the thumbnail selected. If the predetermined time is found passed with the thumbnail selected, the content processing routine 152-1 controls the display of the information associated with the thumbnail to a predetermined position corresponding to the display position of the thumbnail.

Page 5 of the Office Action stated:

It is obvious to combine known elements according to known methods to yield predictable results. Therefore, it would have been obvious to have combined the user interface of Sciammarella with the small number of data cards of Hayashi according to the described methods of displaying the cards and for the predictable result of displaying all of the cards on the screen at the same time.

It would have been obvious to have combined the display embodiments for the purpose of allowing the user to more easily select the genre of content for display and to see the currently displayed genre while using the helix display method [Fig. 4].

Applicant respectfully disagrees and submits that even if properly combined, neither Sciammarella I or Hayashi individually, nor the display processing apparatus resulting from the combination of Sciammarella I and Hayashi anticipate or render obvious at least one memory device which stores a plurality of instructions, which when executed by the at least one processor, cause the at least one processor to operate with the at least one display device and the at least one input device to move the content cards along a content card movement curve, the content card movement curve being defined by a first plurality of control points and a second plurality of control points, wherein in response to a movement of the selection indicator: (i) the first plurality of control points are fixed; and (ii) the second plurality of control points are moved. Additionally, it would not have been obvious to one of ordinary skill in the art to modify Sciammarella I and Hayashi to result in such a display processing device without reasonably being construed as improper hindsight reconstruction. On the other hand, the display processing apparatus of amended independent Claim 22 includes, among other elements, at least one memory device which stores a plurality of instructions, which when executed by the at least one processor, cause the at least one processor to operate with the at least one display device and the at least one input device to move the content cards along a content card movement curve, the content card movement curve being defined by a first plurality of control points and a second plurality of control points, wherein in response to a movement of the selection indicator: (i) the first plurality of control points are fixed; and (ii) the second plurality of control points are moved.

No new matter has been added by such amendments. Support for the amendments can be found in the Specification, for example, in at least paragraphs [0123] to [0125] and Figs. 9 and 10 of the present application.

For at least these reasons, it is respectfully submitted that independent Claim 22 is patentably distinguished over Sciammarella I and Hayashi and in condition for allowance. Dependent Claims 23 to 25 depend directly from amended independent Claim 22 and are also allowable for the reasons given with respect to Claim 22 and because of the additional features recited in these claims.

Independent Claims 26 and 30 each include certain similar elements to independent Claim 22. For reasons similar to those discussed above with respect to independent Claim 22, independent Claims 26 and 30 (and dependent Claims 27 to 29) are each patentably distinguished over Sciammarella I and Hayashi and in condition for allowance.

The Office Action rejected Claims 31 to 36 under 35 U.S.C. §103(a) as being unpatentable over Sciammarella I in view of U.S. Patent Publication No. 2002/0054157 to Hayashi et al. and U.S. Patent No. 6,281,940 to Sciammarella et al. ("Sciammarella II"). In view of the amendments made herein, Applicant respectfully disagrees with such rejections.

Sciammarella II discloses a display of previewed channels with rotation of multiple previewed channels along an arc. The Abstract of Sciammarella II discloses:

Information corresponding to previewed channels is displayed using a sequential arrangement having a main channel location and several remaining channel locations. A currently previewed channel resides in the main channel location. The channels move along the sequential arrangement and into the main channel location for previewing. An arc shaped arrangement having the main channel location at an intermediate point allows channels to progress from one side of the arc, then into the main channel location for previewing, then to the other side of the arc. A jog dial can be rotated to cause the previewed channels to rotate along the arc. Thus, the user can cycle through available channels or a subset of channels by merely holding the jog dial in a given position.

Page 12 of the Office Action stated:

It would have been obvious to have modified the '848 reference's GUI to have been an EPG, the genres thus being selectable via the EPG and therefore "based on" an EPG, for the purpose of previewing and displaying additional types of media such as broadcast media for selection ['940 col. 1, l. 17-19].

Applicant respectfully disagrees and submits that even if properly combined, unlike the display processing apparatus of Claim 31, neither Sciammarella I, Hayashi or Sciammarella II individually, nor the display processing apparatus resulting from the combination of Sciammarella I, Hayashi and Sciammarella II anticipate or render obvious at least one memory device which stores a plurality of instructions, which when executed by the at least one processor, cause the at least one processor to operate with the at least one display device and the at least one input device to move the content cards along a content card movement curve, the content card movement curve being defined by a first plurality of control points and a second plurality of control points, wherein in response to a movement of the selection indicator: (i) the first plurality of control points are fixed; and (ii) the second plurality of control points are moved. Moreover, it would not have been obvious to one of ordinary skill in the art to modify Sciammarella I, Hayashi and Sciammarella II to result in such a display processing device without reasonably being construed as improper hindsight reconstruction. On the other hand, the display processing apparatus of Claim 31 includes, among other elements, at least one memory device which stores a plurality of instructions, which when executed by the at least one processor, cause the at least one processor to operate with the at least one display device and the at least one input device to move the content cards along a content card movement curve, the content card movement curve being defined by a first plurality of control points and a second plurality of control points, wherein in response to a movement of the selection indicator: (i) the first plurality of control points are fixed; and (ii) the second plurality of control points are moved.

For at least these reasons, it is respectfully submitted that Claim 31 is patentably distinguished over Sciammarella I, Hayashi and Sciammarella II and in condition for allowance. Claims 32 to 36 each include certain similar elements to Claim 31. For reasons similar to those discussed above with respect to Claim 31, Claims 32 to 36 are each patentably distinguished over Sciammarella I, Hayashi and Sciammarella II and in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance, and allowance is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

K&L GATES LLP

BY


Thomas C. Basso

Reg. No. 46,541

Customer No. 29175

Phone: (312) 807-4310

Dated: August 4, 2009